



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                 |   |           |                 |
|-----------------|---|-----------|-----------------|
| Applicants      | Lee-Hwei K. SUN <i>et al</i>  | Art Group | 1647            |
| Application No. | 09/932,812  | Filed on  | August 17, 2001 |
| Examiner        | Regina M. DeBerry   | Paper No. | 8               |
| For             | <b>Fc FUSION PROTEIN OF HUMAN ERYTHROPOIETIN WITH<br/>INCREASED BIOLOGICAL ACTIVITIES</b> |           |                 |

Box No Fee Amendment  
Commissioner for Patents  
Washington D.C. 20231

Amendment to Comply with 37 C.F.R. §1.821-1.825  
(Computer Readable Form of Sequence Listing)

AND

Preliminary Amendments to the Specification (including the drawings) and Claims

**INTRODUCTORY COMMENTS**

Sir:

Applicants submit herewith

- a computer readable form (CRF) substitute copy of the sequence listing;
- a paper copy of the substitute Sequence Listing; and
- a 3½" diskette (High Density, IBM PC format) containing the same.

In response to the "Notice to Comply," three additional sequences are added to the substituted paper copy to cover three peptide linkers as originally disclosed in the specification. All these sequences were disclosed in the original application. The content of the sequence listing information recorded in computer readable form (paper and CRF) is identical to the written sequence listing on paper as originally submitted or disclosed. No new matter is added to or introduced into the application by this amendment. A copy of the "Notice to Comply" is returned herewith.

Amendments are also made to the specification, including drawings, and claims in response to the Notice. No new matter is added to or introduced into the application by these amendments.

It is believed that no fee is due. Applicants respectfully request that the Commissioner enter this Amendment into the application as submitted.

Respectfully submitted

Hsiang-ning Sun  
Attorney for Applicants  
Registration No. 39849  
4212 Villanova Street  
Houston, Texas 77005-3529  
(713)-666-8819 (Telephone)  
(713)-665-5230 (Fax)  
[HNSUN2@Houston.RR.com](mailto:HNSUN2@Houston.RR.com) (email)

April 16, 2003

8/C  
J.G.9  
4/23/03  
**RECEIVED**

APR 21 2003

TECH CENTER 1600/2900



RECEIVED  
APR 21 2003  
TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in a envelope addressed to Commissioner for Patents, Washington D.C. 20231 on

April 16, 2003

Date

A handwritten signature in black ink, appearing to read "Hsiang-rung Sun".

Hsiang-rung Sun

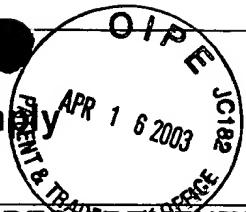
EE133431071 US

Express Mail Number

04-17-03

GAU 1647

Notice to Comply



|                   |              |  |
|-------------------|--------------|--|
| Application No.   | Applicant(s) |  |
| 09/932,812        | SUN ET AL.   |  |
| Examiner          | Art Unit     |  |
| Regina M. DeBerry | 1647         |  |

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The instant application fails to fully comply with the sequence rules 37 CFR 1.821-1.825 because each disclosure of a sequence embraced by the definitions set forth in the rules fails to refer to the required sequence identifier (SEQ ID NO:). This occurs in Figures 1, 2A-C; page 8, line 21; page 10, lines 9, 15, 22; page 11, line 23 and claims. Sequences appearing in drawings may be referenced in the drawings themselves or in the corresponding Brief Description thereof.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216  
 For CRF Submission Help, call (703) 308-4212  
 PatentIn Software Program Support  
     Technical Assistance.....703-287-0200  
     To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

**RECEIVED**  
 APR 21 2003  
 TECH CENTER 1600/2900

